

JOURNAL OF THE SENATE

Friday, April 28, 1967

The Senate was called to order by the President Pro Tempore at 11:00 a.m. The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	Fincher	Knopke	Stockton
Barrow	Fisher	Lane	Stolzenburg
Bell	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	

47. A quorum present.

Excused: Senator O'Grady. Senator Bell after 12 noon.

The President presiding.

Prayer by the Secretary of the Senate:

Father God, let us search our hearts to see if we have expressed homage to thee sufficient enough for this earthly existence. Without thee and thy goodness, thy loving kindness and tender mercy, we are too frail for the tasks assigned to us. Grant to each of these servants the grit, grace and ability to tackle and conquer even the knottiest of problems now facing our legislature. In Jesus' name we pray. Amen.

The reading of the Journal was dispensed with.

On motion by Senator Mathews, the rules were waived and it was ordered that upon reaching the Order of the Day the Senate proceed to the consideration of House Bills on the Calendar.

The Journal of April 27 was corrected and approved.

The Journal of April 25 was further corrected and approved as follows:

Page 174, column 1, between lines 26 and 27 insert the following:

On motion by Senator Mathews, by two-thirds vote, SB 371, SB 372 and SB 373 were also referred to the Committee on Rules and Calendar.

The Journal of April 24 was further corrected and approved as follows:

Page 162, column 2, between lines 25 and 26 insert the following: By the Committee on Education—Higher Learning—

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following Rule change:

13.3 There shall be no introductions of guests while the Senate is in session.

The Committee on Rules and Calendar recommends the following bills be placed on the Local Calendar:

HB 681	HB 688	HB 672
HB 683	HB 689	HB 677
HB 483	HB 674	HB 693
HB 673	HB 667	HB 487 with 2 amendments
HB 680	HB 607	HB 486 with 1 amendment
HB 669	HB 622	HB 485 with 2 amendments

The Committee reports were adopted.

The Committee on Ethics and Privileged Businesses recommends the following pass:

SB 432

The Committee on Insurance recommends the following pass:

SB 538	SB 575	SB 579	SB 583
SB 541			

The Committee on Transportation and Safety recommends the following pass:

HB 11	HB 85	HB 77
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The Committee on Education—Public Schools and Junior Colleges recommends the following pass:

SB 415 with 1 amendment

The Committee on Mental Health, Retardation and State Institutions recommends the following pass:

SB 361 with 2 amendments	SB 155 with 1 amendment
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The Committee on Governmental Reorganization recommends the following pass:

HB 36

The Committee on Judiciary "A" recommends the following pass:

SB 348 with 2 amendments	SB 397 with 2 amendments
SB 360 with 1 amendment	SB 430 with 1 amendment

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Education—Public Schools and Junior Colleges recommends the following not pass:

SB 245

The Committee on Water Conservation, Salt Water and Natural Resources recommends the following not pass:

SB 411	SB 412	SB 413
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The bills contained in the foregoing reports were laid on the table.

The Committee on Education—Public Schools and Junior Colleges recommends the following pass:

SB 435 with 2 amendments

The bill was referred to the Committee on Retirement and Claims under the original reference.

The Committee on Ethics and Privileged Businesses recommends the following pass:

SB 193 with 1 amendment	SB 394 with 3 amendments
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The bills were referred to the Committee on Judiciary "A" under the original reference.

The Committee on Insurance recommends the following pass:

SB 581

The bill was referred to the Committee on Judiciary "A" under the original reference.

The Committee on Governmental Reorganization recommends the following pass:

SB 101 with 2 amendments

The bill was referred to the Committee on Judiciary "A" under the original reference.

The Committee on Health and Welfare recommends the following pass:

SB 353 with 1 amendment	SB 356 with 1 amendment
SB 354 with 1 amendment	SB 357
SB 355 with 3 amendments	

The bills were referred to the Committee on Governmental Reorganization under the original reference.

The Committee on Insurance recommends the following be adopted:

SCR 437

The Resolution was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Insurance recommends the following pass:

SB 537

The bill was referred to the Committee on Judiciary "B" under the original reference.

The Committee on Judiciary "A" recommends the following pass:

SB 284 SB 192 with 1 amendment
SB 195 with 1 amendment

The bills were referred to the Committee on Finance and Taxation under the original reference.

The Committee on Judiciary "A" recommends the following pass:

SB 301

The bill was referred to the Committee on Governmental Reorganization under the original reference.

The Committee on Mental Health, Retardation and State Institutions recommends the following pass:

SB 568 SB 514

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Transportation and Safety recommends the following pass:

SB 177 with 2 amendments

The bill was referred to the Committee on Public Roads and Highways under the original reference.

The Committee on Transportation and Safety recommends the following pass:

HB 70

The bill was referred to the Committee on Judiciary "A" under the original reference.

The Committee on Transportation and Safety recommends the following pass:

SB 276 with 18 amendments SB 533 with 1 amendment

The bills were referred to the Committee on Finance and Taxation under the original reference.

The Committee on Water Conservation, Salt Water and Natural Resources recommends the following pass:

SB 343 SB 489 with 2 amendments

The bills were referred to the Committee on Finance and Taxation under the original reference.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 70 with 9 amendments SB 189 with 2 amendments
SB 146 with 2 amendments SB 522 with 2 amendments
SB 154 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bills were certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SB 187 SB 188 SB 362

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on April 28, 1967.

EDWIN G. FRASER
Secretary of the Senate

Your Enrolling Clerk to whom was referred—

SB 125 SCR 438

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on April 28, 1967.

EDWIN G. FRASER
Secretary of the Senate

INTRODUCTION

By Senator Shevin—

SB 635—A bill to be entitled An act relating to the grand jury; amending sections 905.17, 905.19, 905.22 and 905.23, Florida Statutes; authorizing presence of specially employed legal counsel before certain grand juries while in session, when such employment is authorized by law; requiring attendance of such legal counsel; requiring such legal counsel to examine witnesses and draft indictments; requiring such legal counsel to administer oath or affirmation to witnesses; requiring an indictment to be signed by such legal counsel; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Shevin—

SB 636—A bill to be entitled An act relating to the grand jury; amending sections 932.17 and 932.18, Florida Statutes; providing that specially employed legal counsel, when such employment is authorized by law, to issue subpoena and other process; providing for delivery of grand jury minutes to such legal counsel; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senators Shevin and Friday—

SB 637—A bill to be entitled An act relating to the preservation and protection of the public health; providing for the compulsory certification of water and sewage operator by the state board of health; setting standards for such certification; providing for the refusal, revocation or suspension of such certificates; setting application fee; providing penalties; and providing an effective date.

Was read the first time by title and referred to the Committees on Health and Welfare; and Judiciary "B".

By Senators Shevin and Stone—

SB 638—A bill to be entitled An act relating to counsel appointed in capital cases; amending section 909.21, Florida Statutes, providing for costs for investigation and preparation of cases and compensation of counsel of defendant.

Was read the first time by title and referred to the Committee on Judiciary "B".

By Senators Gibson, O'Grady, Weber, Stolzenburg, Hollahan, Saylor, Deeb, Lane, Bell and Edwards—

SM 639—A Memorial to the Congress of the United States requesting the Congress to propose to the people an amendment to Article XVI of the Amendments of the Constitution of the United States or to call a constitutional convention for such purpose as provided by Article V of the Constitution of the United States.

Was read the first time in full and referred to the Committees on Apportionment, Resolutions and Memorials; Judiciary "A"; and Finance and Taxation.

By Senator Edwards—

SB 640—A bill to be entitled An act relating to chauffeurs' licenses; amending subsection 322.01 (7) Florida Statutes, by exempting drivers between 16 and 18 years of age when transporting agricultural products from the definition of a chauffeur; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Edwards—

SB 641—A bill to be entitled An act amending chapter

817 Florida statutes by providing an additional section thereto to be numbered 817.56 and entitled fraudently obtaining goods, products, merchandise or services from any ready-mixed concrete or asphalt dealer or operator, and providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "B".

By Senator Chiles—

SB 642—A bill to be entitled An act relating to motor vehicle licenses, amending chapter 320, Florida Statutes, by amending section 320.081 providing for license fees for mobile homes, trailer coaches, house trailers, camper type mobile homes mounted and transported wholly upon the body of a self-propelled vehicle, and other similar trailers used for housing accommodations; providing for the collection, allocation and distribution of said license taxes between the state and the several counties thereof; repealing all laws in conflict herewith; and providing an effective date.

Was read the first time by title and referred to the Committee on Finance and Taxation.

By Senator Fincher—

SB 643—A bill to be entitled An act relating to trade secrets; making it unlawful to appropriate trade secrets under certain circumstances; providing that a person purchasing trade secrets may be held liable for treble damages under certain circumstances, and excepting former employees.

Was read the first time by title and referred to the Committee on Judiciary "B".

By Senator Gunter—

SB 644—A bill to be entitled An act relating to the department of public safety, definition; amending subsection (11) of section 322.01, Florida Statutes; correcting definition of "department"; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Bell—

SB 645—A bill to be entitled An act relating to the highway patrol, assignment of patrolmen; amending chapter 321, Florida Statutes, by adding section 321.041, providing for the assignment of patrolmen to the office of the governor for special security duty; providing an effective date.

Was read the first time by title and referred to the Committees on Anti-Crime and Appropriations.

By Senator Gong—

SB 646—A bill to be entitled An act providing immunity of newsmen from citations of contempt; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senators Barron and Barrow—

SB 647—A bill to be entitled An act to establish and name Basin Bayou state park in Walton county on lands to be acquired by the Florida board of parks and historic memorials; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Water Conservation, Salt Water and Natural Resources; and Appropriations.

By Senator Barron—

SB 648—A bill to be entitled An act relating to the division of corrections; purchases by all counties in the state having a population of not less than sixty-four thousand (64,000) nor more than sixty-eight thousand (68,000), according to the latest official decennial census; authorizing the sheriff, board of county commissioners or board of public instruction to purchase certain items from the division of corrections; providing an effective date.

Was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Young—

SB 649—A bill to be entitled An act amending section 370.07 (1) (a) 1 Florida Statutes redefining the term "wholesale seafood dealer" to exclude therefrom those persons who sell salt water products other than as seafood; providing an effective date.

Was read the first time by title and referred to the Committee on Water Conservation, Salt Water and Natural Resources.

By Senator Cross—

SB 650—A bill to be entitled An act relating to department of public welfare; amending section 409.411, Florida Statutes, by allowing one other than family to act in behalf of incompetent; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Friday—

SB 651—A bill to be entitled An act relating to beaches and shores; erosion control; harvesting of sea oats and sea grapes prohibited; repealing section 370.041, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committee on Water Conservation, Salt Water and Natural Resources.

By Senator Haverfield—

SB 652—A bill to be entitled An act relating to department of public welfare; amending section 409.18(3)(a)7., (e), (f) and (g), Florida Statutes, providing a basis for determining suitability of home and method for placement of dependent child; providing an effective date.

Was read the first time by title and referred to the Committee on Health and Welfare.

By Senator Haverfield—

SB 653—A bill to be entitled An act relating to public schools; amending section 236.04(8)(b), Florida Statutes, relating to units for supervisors of instruction; striking the limitation on maximum number of supervisors; providing an effective date.

Was read the first time by title and referred to the Committees on Education—Public Schools and Junior Colleges; and Appropriations.

By Senator Haverfield—

SB 654—A bill to be entitled An act relating to the department of public welfare; amending section 409.09, Florida Statutes, by deleting requirement that district boards annually review case files; providing an effective date.

Was read the first time by title and referred to the Committee on Health and Welfare.

By Senator Hollahan—

SB 655—A bill to be entitled An act relating to mortgage brokerage act; amending section 494.08(3), Florida Statutes, by defining direct or indirect costs of a mortgage loan transaction; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "B".

By Senators Hollahan and Shevin—

SB 656—A bill to be entitled An act relating to consumer protection and unfair trade practice; defining certain terms; providing for a consumer and business protection division of the attorney general's office; declaring unlawful, unfair or deceptive acts or practices in the conduct of any trade or commerce; prescribing the authority and duties of the attorney general in the enforcement of the law, including the institution of action for injunction to restrain acts or practices in violation of the law; providing civil penalties including treble damages for intentional misrepresentation in connection with unfair or deceptive acts or practices; providing an effective date.

Was read the first time by title and referred to the Committees on Ethics and Privileged Businesses; and Judiciary "A".

By Senators Hollahan, Poston, Spencer, de la Parte, Bafalis, Haverfield, Weissenborn, Bell, Stone, Young, Fincher and Ott—

SB 657—A bill to be entitled An act relating to private investigative agencies; amending chapter 493, Florida Statutes, by adding a new part to be known as Part II; to provide for the licensing and regulation of qualified examiners and intern examiners for the purpose of detecting truth or deception (lie detector examinations); providing for a penalty; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "B".

By Senator Henderson—

SB 658—A bill to be entitled An act relating to the lease of state lands; providing for the appointment of a committee composed of members of the legislature; providing for the making of a study of leases granted by the trustees of the internal improvement fund of mineral and oil rights; reporting the results of said study and the recommendations of the committee to the next ensuing regular session of the legislature; authorizing mileage and per diem for the legislative members of the committee; providing that the committee shall have subpoena power and other powers; providing that the committee may employ persons and fix the compensation thereof; providing an effective date and a termination date.

Was read the first time by title and referred to the Committees on Rules and Calendar; and Appropriations.

By Senators Weissenborn and Hollahan—

SB 659—A bill to be entitled An act relating to medical assistance for the needy; amending chapter 409.45, Florida Statutes; providing for the state department to provide medical services; creating a medical assistance advisory committee; providing an effective date.

Was read the first time by title and referred to the Committees on Health and Welfare; and Judiciary "A".

By Senators Thomas, Hollahan, Askew, Poston, Elrod, Barron, O'Grady, Clayton, Horne, Barrow, Henderson, Bafalis, Griffin, Young, Fincher, Spencer, Knopke, Ott, Stolzenburg, Gibson, Wilson, Edwards, Johnson, Weissenborn, Lane, Plante, de la Parte, Slade, Haverfield, Shevin, Cross, Deeb, Friday, Gunter, Broxson, Stone, Mathews, Fisher, Bell, McClain, Reuter, Sayler, Weber, Stockton, Pope and Boyd—

SB 660—A bill to be entitled An act establishing standards of conduct for officers and employees of state agencies, legislators and legislative employees in the area of possible conflict between their private interests and official duties; and declaring an emergency; providing an effective date.

Was read the first time by title and referred to the Committee on Ethics and Privileged Businesses.

By Senators Gibson, Edwards, Barron and Horne—

SB 661—A bill to be entitled An act relating to junk yards, definitions; amending section 861.13(1) and (3), Florida Statutes; repealing section 861.18, Florida Statutes, relating to the same subject.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senators Gibson, Edwards, Barron and Horne—

SB 662—A bill to be entitled An act relating to malicious injury to buildings and structures; amending section 822.10, Florida Statutes, to include provisions for injury to electric utility lines; providing penalties; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senators Gibson, Edwards and Horne—

SB 663—A bill to be entitled An act relating to junk yards, recordation of sales; amending chapter 205, Florida Statutes, by adding section 205.471 to provide that records of all purchases of copper material be kept by junk dealers, subject to inspection of all law enforcement officers; providing that certain sales to minors be prohibited; providing that violation creates presumption of theft or of receipt of stolen property; providing for revocation of license.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Gibson—

SB 664—A bill to be entitled An act relating to motor vehicle licenses; amending section 320.06, Florida Statutes, by amending subsection (1) to provide for the issuance of number plates upon original application and number plates or date tags thereafter; adding a new subsection (3) defining number plate and providing for biennial issuance of number plates and date tags; and providing an effective date.

Was read the first time by title and referred to the Committee on Finance and Taxation.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Poston, by two-thirds vote, HB-113 was withdrawn from the Committee on Public Roads and Highways and placed on the local Calendar.

On motion by Senator Sayler, by two-thirds vote, HB 158 was withdrawn from the Committee on Finance and Taxation and placed on the Calendar.

On motion by Senator Griffin, by two-thirds vote, SB 618 was also referred to the Committee on Finance and Taxation.

On motion by Senator Askew, by two-thirds vote, SB 618 was also referred to the Committee on Appropriations.

On motion by Senator Barrow, the Committee on Judiciary "A" was granted an additional 10 days for the consideration of SB 64.

On motion by Senator Cross, the Committee on Health and Welfare was granted an additional 10 days for the consideration of Senate Bills 275, 299, 309, 310, 377, 381, 213 and 227.

On motion by Senator Knopke, the Committee on Urban Affairs and Local Government was granted an additional 15 days for the consideration of SB 274.

On motion by Senator Ott, the Committee on Anti-Crime was granted an additional 15 days for the consideration of all bills now in the Committee.

MESSAGES FROM THE GOVERNOR

By direction of the Presiding Officer, the Secretary of the Senate read the following communication from Honorable Claude R. Kirk, Jr., Governor of Florida:

*Honorable Verle A. Pope
President, Florida State Senate
The Capitol Building
Tallahassee, Florida*

April 28, 1967

Sir:

Under Section 15 of Article IV of the State Constitution the Governor is granted the power to suspend public officials, not liable to impeachment, for certain causes specified. Any such suspension is required to be submitted to your Honorable Body for the consideration of whether the official charged should be removed or reinstated. While the Legislature is in session the Governor does not have the power to suspend but only recommend to the Senate the removal of officials who have violated Article IV, Section 15.

By virtue of this authority I hereby respectfully advise your Honorable Body that Robert L. Harris, a/k/a Bob Harris, has been serving in the capacity of member of Board of County Commissioners of Duval County, Florida, from January 5, 1965, to the date of this letter. I have been officially advised by the State Attorney of the Fourth Judicial Circuit that on or about April 25, 1967 the Grand Jury in and for Duval County returned an Indictment against the said Robert L. Harris, a/k/a Bob Harris, charging him with acceptance of unauthorized compensation in violation of Section 338.06, Florida Statutes. Specifically, the Grand Jury found that Robert L. Harris, a/k/a Bob Harris, unlawfully requested, solicited, exacted, accepted and received \$1,000.00 in connection with the authorization for an approval of construction and paving of certain roads in Duval County. The Grand Jury found that unauthorized com-

pensation was received by Robert L. Harris, a/k/a Bob Harris, while serving as a member of the Board of County Commissioners of Duval County. A copy of said Indictment is attached. A public official is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office. As a result of the above mentioned Indictment, doubt has been raised as to the integrity and ability of Robert L. Harris, a/k/a Bob Harris, to perform the duties as member of Board of County Commissioners of Duval County, Florida.

The evidence contained in said Indictment reflects misfeasance, malfeasance and incompetency in office.

Now, therefore, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in me by Article IV, Section 15, of the Constitution of the State of Florida, do hereby notify the Florida Senate of the facts above set forth, and do hereby recommend that the Senate forthwith permanently remove from office the said Robert L. Harris, a/k/a Bob Harris.

Respectfully,
CLAUDE R. KIRK, JR.
Governor

Senator Mathews moved that pursuant to the provisions of Senate Rule 15.2 the President appoint a select committee to make inquiry into the recommendations of the Governor concerning the removal from office of Robert L. Harris as a member of the Board of County Commissioners of Duval County, Florida. Which motion was adopted.

The President appointed Senators Mathews, Slade, Fisher and Stockton. The President announced that he would also serve on the Committee.

The Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

April 28, 1967

Dear Sir:

I have filed in the office of the Secretary of State the following acts which originated in the Senate, Regular Session, 1967, same having remained in my office for the full constitutional period of five days and will become law without my approval:

SB 132	SB 222
SB 219	SB 221
SB 220	SB 224

Respectfully,
CLAUDE R. KIRK, JR.
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read:

The Honorable Verle A. Pope
President of the Senate

April 28, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

SB 85	SB 130	SB 48
SB 61	SB 49	SB 50

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above message, were ordered enrolled.

April 28, 1967

The Honorable Verle A. Pope
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

SB 121

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Craig—

HB 449—A bill to be entitled An act making it unlawful for any person, firm or corporation to fish or cause to be fished any type of net or seine, except common cast net, from the beaches bordering the Atlantic Ocean in St. Johns County, Florida, and providing for the enforcement of said act and penalties for violation thereof, and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 449.

HB 449, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Bassett and others—

HB 863—A bill to be entitled An act authorizing the board of county commissioners of Orange County, Florida, to provide funds from the general revenue budget of the county for payment to the Orange County bar association or a non-profit legal aid agency; providing for an effective date.

Proof of Publication attached.

By Representative Land and others—

HB 864—A bill to be entitled An act amending section 2 of the charter of the city of Maitland, Florida; providing for a redefinition of the city's boundaries; providing for an effective date.

Proof of Publication attached.

By Representative Lindsey and others—

HB 866—A bill to be entitled An act amending subparagraph 1, section 82 article IX of the charter of the city of Maitland, Florida, relating to the extension of the city's boundaries; providing for adoption of chapter 171 of the Florida Statutes as an alternative means of contracting or extending the city's boundaries; providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 863.

Evidence of notice and publication was established by the Senate as to HB 864.

Evidence of notice and publication was established by the Senate as to HB 866.

House Bills 863, 864 and 866, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Land and others—

HB 875—A bill to be entitled An act to authorize the board of county commissioners of Orange County, Florida, to make rules and regulations and issue permits to do any dredging, pumping of sand, extension of islands, creating obstructions in or under any of the lakes in the said county, but outside municipalities and the lake conway water and navigation control district, windermere water and navigation control district, and the reedy creek drainage district, or their respective successors; to provide for the requirements of applications to secure permits; to provide that after the effective date of this act, it shall be unlawful to do any dredging, pumping of sand, extension of land, construction or extension of islands, creating obstructions in or under any of the waters in said county without obtaining a permit from the board of county commissioners of Orange County, Florida; to provide for the requirement of applications to secure permits; to provide for notice of public hearing on applications for permits to make findings of fact according to standards stated in the act; to provide for public hearing on application for permits; to provide for the right of rehearing and the right of appeal on applications for permit; to provide for exceptions as to docks and wharves in front of upland property owners with the power to establish rules and regulations therefor; to provide for the period of time said permits may be issued; to provide for permits to pay the costs and expenses of process and determination of the applications for permits; to provide for the board to determine and set the fee to be charged therefor; to grant the board of county commissioners the right to subpoena witnesses and compel them to testify under oath; to provide for penalties for violations of this act; to provide that said act is a valid county purpose; to provide for this act to be liberally construed; to provide severability clause; to repeal all laws in conflict herewith; providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 875.

HB 875, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative J. Fortune and others—

HB 870—A bill to be entitled An act relating to the City of Winter Park, Florida, and amending subsection 1, section 10, chapter 59-1992, Laws of Florida, being an act creating the Winter Park policemen's retirement system, to provide that the disability retirement date for a member shall be the first day of the calendar month next following the date on which said member last left employment as a result of total and permanent disability.

Proof of Publication attached.

By Representative Gibson and others—

HB 871—A bill to be entitled An act relating to the City of Winter Park, Florida, and amending Chapter 26317, article 9, section 1, Special Acts, 1949, providing election dates, officers elected, and term of office, by adding thereto a provision that

any candidate who receives a majority of all of the votes cast for such office at any primary election shall be elected.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 870.

Evidence of notice and publication was established by the Senate as to HB 871.

House Bills 870 and 871, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Ducker and others—

HB 786—A bill to be entitled An act amending section 86 of the charter of the city of Maitland, Florida, relating to the appointment of planning and zoning commission; changing the composition of the commission from seven members to five members; providing for an effective date.

Proof of Publication attached.

By Representative Bassett and others—

HB 869—A bill to be entitled An act amending section 9 of the charter of the city of Maitland, Florida, providing the council's authority to enact rules of procedure and prescribing penalty for non-attendance or disorderly conduct of its members; providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 786.

Evidence of notice and publication was established by the Senate as to HB 869.

House Bills 786 and 869, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Shadley and others—

HB 865—A bill to be entitled An act amending section 7 of the charter of the city of Maitland, Florida, relating to the placement of the responsibility for appointment and discharge or suspension of officers and employees of the city; eliminating reference to the competitive service of the city's merit system; providing an effective date.

Proof of Publication attached.

By Representative Bassett and others—

HB 867—A bill to be entitled An act amending article 2 of the charter of the city of Maitland, Florida, by the addition of a section 9a providing a policy relating to the extensive absence of council members from regular meetings of the council; providing for an effective date.

Proof of Publication attached.

By Representative Bassett and others—

HB 868—A bill to be entitled An act amending section 21 of the charter of the city of Maitland, Florida, deleting reference to the council's authority to enact rules of procedure and prescribing penalties for its members; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 865.

Evidence of notice and publication was established by the Senate as to HB 867.

Evidence of notice and publication was established by the Senate as to HB 868.

House Bills 865, 867 and 868, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Ducker and others—

HB 872—A bill to be entitled An act relating to the City of Winter Park, Florida providing for the appointment of a director of finance and prescribing his duties.

Proof of Publication attached.

By Representative Land and others—

HB 873—A bill to be entitled An act extending the corporate limits and boundaries of the city of Winter Park, Florida, to include certain areas of land.

Proof of Publication attached.

By Representative Land and others—

HB 876—A bill to be entitled An act to abolish the existing municipality of the Town of Eatonville and simultaneously to create a municipality to be known as the Town of Eatonville, Orange County, Florida; to provide for and determine its territorial boundaries; to establish its form of government; and to define its jurisdiction, powers, duties and privileges, providing for a referendum.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 872.

Evidence of notice and publication was established by the Senate as to HB 873.

Evidence of notice and publication was established by the Senate as to HB 876.

House Bills 872, 873 and 876, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Ducker and others—

HB 783—A bill to be entitled An act regulating the government of the City of Winter Garden; amending article 6, section 41 of the charter by deleting the existing section and substituting therefore a section to be known as hereinafter described providing for the creation of a City Utility Commission.

Proof of Publication attached.

By Representative Gorman and others—

HB 784—A bill to be entitled An act amending subparagraph 22, section 34, of the charter of the city of Maitland, Florida, providing for the council's authority to establish and regulate civil service pension and insurance plans, hospital and death benefits for city employees; providing an effective date.

Proof of Publication attached.

By Representative Lindsey and others—

HB 785—A bill to be entitled An act contracting the corporate limits and boundaries of the city of Winter Park, Florida, to exclude certain land and extending the corporate limits and boundaries of the city of Maitland, Florida, to include such land; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 783.

Evidence of notice and publication was established by the Senate as to HB 784.

Evidence of notice and publication was established by the Senate as to HB 785.

House Bills 783, 784 and 785, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representatives Pratt and Gallen—

HB 855—A bill to be entitled An act relating to Manatee county; authorizing the board of county commissioners to grant exclusive or nonexclusive franchises for the construction, maintenance and operation of community television antenna systems in the unincorporated areas of Manatee county; authorizing board to give necessary powers to contract-holder; providing time limitation on contract; providing an effective date.

Proof of Publication attached.

By Representatives Pratt and Gallen—

HB 856—A bill to be entitled An act relating to Manatee county; repealing sections 1 and 2 of chapter 8758, Laws of Florida, 1921, relating to employment of a public health nurse; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 855.

Evidence of notice and publication was established by the Senate as to HB 856.

House Bills 855 and 856, contained in the above message,

were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representatives Pratt and Gallen—

HB 857—A bill to be entitled An act relating to Manatee county; making it unlawful to discharge firearms on any unpaved public road, highway or street or to knowingly discharge any firearms over any unpaved public road, highway or street; making violation a misdemeanor; providing an effective date.

Proof of Publication attached.

By Representative De Young and others—

HB 860—A bill to be entitled An act to amend subsection four of section four of chapter 25962, special laws of Florida, 1949, as amended by chapter 57-1502 special laws of Florida, 1957, being a portion of the charter of the city of Lake Worth, Palm Beach county, Florida, providing for compensation of the municipal judge to be fixed by the city commission and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 857.

Evidence of notice and publication was established by the Senate as to HB 860.

House Bills 857 and 860, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Rainey and others—

HB 768—A bill to be entitled An act authorizing Pinellas County, Florida, through its boards and officers to enter into contracts for group life, health, accident or hospitalization insurance policies for the benefit of the employees of the county and to pay all or a part of the premiums therefor from county funds and to provide for the extent of such coverage; repealing Chapter 57-1732, Laws of Florida; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 768.

HB 768, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Savage and others—

HB 682—A bill to be entitled An act relating to the fire pension fund of the City of St. Petersburg; amending sections 1 and 6, chapter 27,875, laws of Florida, 1951; providing for contributions to said fund; providing pension benefits for disability unconnected with the performance of duty; and providing an effective date.

Proof of Publication attached.

By Representative Savage and others—

HB 684—A bill to be entitled An act relating to the police pension fund of the City of St. Petersburg; amending sections 1 and 6, chapter 27,876, laws of Florida, 1951; providing for contributions to said fund; providing pension benefits for disability unconnected with the performance of duty; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 682.

Evidence of notice and publication was established by the Senate as to HB 684.

House Bills 682 and 684, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

April 27, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Craig—

HB 446—A bill to be entitled An act relating to oyster conservation in St. Johns County, Florida; regulating the transportation of oysters while still in the shell; providing an exception for private consumption; providing that violation is a misdemeanor, and providing time for taking effect.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 446.

HB 446, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

Unanimous consent was granted Senator Barrow to take up out of order—

HB 669—A bill to be entitled An act relating to the city of Fort Walton Beach, Okaloosa county; authorizing creation of a pension plan and retirement plan including all city employees; providing an effective date.

On motions by Senator Barrow, the rules were waived and HB 669 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	Cross	Griffin	Mathews
Askew	Deeb	Gunter	Ott
Bafalis	de la Parte	Haverfield	Plante
Barron	Edwards	Henderson	Poston
Barrow	Elrod	Hollahan	Reuter
Bell	Fincher	Horne	Sayler
Boyd	Fisher	Johnson	Shevin
Broxson	Friday	Knopke	Slade
Chiles	Gibson	Lane	Spencer
Clayton	Gong	McClain	Stockton

Stolzenburg Thomas Weissenborn Young
Stone Weber Wilson

The bill was certified to the House immediately, by waiver of the rules.

HOUSE BILLS ON SECOND READING

HB 14—A bill to be entitled An act requiring the county judge to appoint a guardian of the estate of a mentally competent person who is physically incapable of managing his property and who voluntarily petitions for such appointment.

Was taken up. On motions by Senator Henderson, the rules were waived and HB 14 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	Fincher	Knopke	Stockton
Barrow	Fisher	Lane	Stolzenburg
Bell	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Saylor	

The bill was certified to the House immediately, by waiver of the rules.

HB 40—A bill to be entitled An act relating to disposition of unclaimed property; amending chapter 717, Florida Statutes, by adding section 717.131; providing that a petition may be granted by the circuit court to declare property abandoned notwithstanding fifteen (15) year waiting period; providing that such property shall be delivered to the administrator; providing an effective date.

Was taken up. On motions by Senator Horne, the rules were waived and HB 40 was read the second time by title, the third time in full and passed, title as stated. The vote was:

Yeas—46

Mr. President	de la Parte	Horne	Slade
Askew	Elrod	Johnson	Spencer
Bafalis	Fincher	Knopke	Stockton
Barron	Fisher	Lane	Stolzenburg
Barrow	Friday	McClain	Stone
Bell	Gibson	Mathews	Thomas
Boyd	Gong	Ott	Weber
Broxson	Griffin	Plante	Weissenborn
Chiles	Gunter	Poston	Wilson
Clayton	Haverfield	Reuter	Young
Cross	Henderson	Saylor	
Deeb	Hollahan	Shevin	

Nays—1

Edwards

The bill was certified to the House immediately, by waiver of the rules.

HB 10—A bill to be entitled An act amending chapter 125, Florida Statutes, relating to powers, duties, and compensation of county commissioners by adding section 125.441, Florida Statutes, declaring the operation and maintenance of ambulance service to be a county purpose; authorizing the use of county funds to carry out such purpose; authorizing the several boards of county commissioners to enter into agreements with other governmental agencies or other agencies or entities within the county for the operation and maintenance of ambulance service and make payment therefor with county funds; authorizing the making of a charge; ratifying and confirming contracts entered into prior to effective date of this act; providing an effective date.

Was taken up. On motion by Senator Knopke, the rules were waived and HB 10 was read the second time by title.

The Committee on Urban Affairs and Local Government offered the following amendment which was adopted on motion by Senator Knopke:

In Section 1, page 2, following subsection (4) (b) insert the following: (5) In those counties in which the responsibility for public hospitalization and welfare has been vested by law in a public body or agency created and existing for that purpose the authority herein granted to the boards of county commissioners is granted to such public body or agency to the same extent as herein granted to the boards of county commissioners.

The Committee on Urban Affairs and Local Government also offered the following amendment which was adopted on motion by Senator Knopke:

In title, line 16, page 1, strike: "providing an effective date." and insert the following: authorizing county boards charged with hospital and welfare duties other than boards of county commissioners to exercise the powers herein granted; providing an effective date.

On motion by Senator Knopke, the rules were waived and HB 10 as amended was read the third time in full and passed. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	Fincher	Knopke	Stockton
Barrow	Fisher	Lane	Stolzenburg
Bell	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Saylor	

The bill as amended was certified to the House immediately, by waiver of the rules.

HB 12—A bill to be entitled An act amending chapter 167, Florida Statutes, relating to general powers of municipalities by adding section 167.651, Florida Statutes, declaring the operation and maintenance of ambulance service to be a municipal purpose; authorizing the use of municipal funds to carry out such purpose; authorizing governing bodies of municipalities to enter into agreements with other agencies for the operation and maintenance of ambulance service and make payment therefor with municipal funds; authorizing the making of a charge; ratifying and confirming contracts entered into prior to effective date of this act; providing an effective date.

Was taken up. On motions by Senator Knopke, the rules were waived and HB 12 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	Fincher	Knopke	Stockton
Barrow	Fisher	Lane	Stolzenburg
Bell	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Saylor	

The bill was certified to the House immediately, by waiver of the rules.

HB 66—A bill to be entitled An act relating to larceny of automobiles; amending section 811.20, Florida Statutes; providing for the elimination of the requirement that any described stolen vehicles be propelled by electricity, gasoline or kerosene; providing an effective date.

Was taken up. On motion by Senator Shevin, the rules were waived and HB 66 was read the second time by title.

The Committee on Judiciary "A" offered the following amendment which was adopted on motion by Senator Shevin:

In Section 2, page 1, strike entire Section 2 and insert the following: Section 2. This act shall take effect September 1, 1967.

On motion by Senator Shevin, the rules were waived and HB

66 as amended was read the third time in full and passed. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	Fincher	Knopke	Stockton
Barrow	Fisher	Lane	Stolzenburg
Bell	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	

The bill as amended was certified to the House immediately, by waiver of the rules.

HB 69—A bill to be entitled An act relating to probation of defendant in criminal cases; amending section 948.01 Florida Statutes, by adding a new subsection (4), permitting court where imposing sentence to county jail, to direct defendant to be placed on probation upon completion of any portion of the term of sentence; providing an effective date.

Was taken up. On motion by Senator Stone, the rules were waived and HB 69 was read the second time by title.

The Committee on Judiciary "A" offered the following amendment which was adopted on motion by Senator Stone:

In Section 2, page 1, strike entire Section 2 and insert the following: Section 2. This act shall take effect September 1, 1967.

On motion by Senator Stone, the rules were waived and HB 69 as amended was read the third time in full and passed. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	Fincher	Knopke	Stockton
Barrow	Fisher	Lane	Stolzenburg
Bell	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	

The bill as amended was certified to the House immediately, by waiver of the rules.

HB 89—A bill to be entitled An act relating to larceny, grand; amending section 811.021(2), Florida Statutes, redefining grand larceny to include any property taken which aggregates two hundred dollars (\$200.00) or more in any twelve (12) consecutive month period.

Was taken up. On motion by Senator Poston, the rules were waived and HB 89 was read the second time by title.

The Committee on Judiciary "A" offered the following amendment which was adopted on motion by Senator Poston:

Following Section 1 add the following: Section 2. This act shall take effect September 1, 1967.

The Committee on Judiciary "A" also offered the following amendment which was adopted on motion by Senator Poston:

In title, line 6, page 1, strike the period (.) and insert the following: ; providing an effective date.

On motion by Senator Poston, the rules were waived and HB 89 as amended was read the third time in full and failed to pass. The vote was:

Yeas—18

Barrow	Gibson	Ott	Spencer
Broxson	Gong	Poston	Stone
Deeb	Hollahan	Reuter	Weber
de la Parte	Lane	Shevin	
Fincher	McClain	Slade	

Nays—26

Mr. President	Edwards	Horne	Stolzenburg
Askew	Elrod	Johnson	Thomas
Barron	Fisher	Knopke	Weissenborn
Boyd	Friday	Mathews	Wilson
Chiles	Griffin	Plante	Young
Clayton	Gunter	Sayler	
Cross	Henderson	Stockton	

Unanimous consent was granted Senator Horne to take up out of order—

SB 21—A bill to be entitled An act relating to free motor vehicle license plates; amending section 320.084, Florida Statutes, to provide free license plates to disabled veterans; providing an effective date.

On motion by Senator Horne, the rules were waived and SB 21 was read the second time by title.

The Committee on Transportation and Safety offered the following amendment which was adopted on motion by Senator Horne:

In Section 1, line 18, page 1, Following the word "government" strike, "or" and insert the following: specifically for the purchase of an automobile, or

The Committee on Finance and Taxation offered the following amendment which was adopted on motion by Senator Horne:

In Section 2, page 2, strike: all of Section 2. and insert the following: Section 2. The director of the department of motor vehicles shall make such rules and regulations as are necessary to determine the continuance of the one hundred per cent (100%) disability, as set forth in paragraph (b) of Section (1), and if the director of the department of motor vehicles determines that such veteran is no longer so disabled, such veteran shall surrender to the director of the department of motor vehicles the special license plate described in Section 1, paragraph (2) upon demand of the director of the department of motor vehicles.

Section 3. This act shall take effect immediately upon becoming a law.

The Committee on Finance and Taxation also offered the following amendment which was adopted on motion by Senator Horne:

In Section 1, line 22, page 1, strike: one hundred per cent (100%) service connected and insert the following: service connected one hundred per cent (100%)

Senators Mathews and Pope offered the following amendment which was adopted on motion by Senator Mathews:

In Section 1, line 13, page 1, insert the following: after the word "any" insert the word disabled

On motion by Senator Horne, the rules were waived and SB 21 as amended was read the third time in full and passed. The vote was: Yeas—46 Nays—None

Mr. President	Edwards	Horne	Slade
Askew	Elrod	Johnson	Spencer
Bafalis	Fincher	Knopke	Stockton
Barron	Fisher	Lane	Stolzenburg
Barrow	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	
de la Parte	Hollahan	Shevin	

The bill as amended was certified to the House immediately, by waiver of the rules.

On motion by Senator Horne, consideration of HB 199 was indefinitely postponed.

HB 60—A bill to be entitled An act relating to pharmacists; amending section 465.091(2), Florida Statutes, by increasing the fee for annual renewal of registration certificates and providing an exemption from payment of said fee for persons licensed fifty (50) years or more; providing effective date.

Was taken up. On motions by Senator Fincher, the rules

were waived and HB 60 was read the second time by title, the third time in full and passed, title as stated. The vote was:

Yeas—44

Askew	Elrod	Horne	Shevin
Bafalis	Fincher	Johnson	Slade
Barron	Fisher	Knopke	Spencer
Boyd	Friday	Lane	Stockton
Broxson	Gibson	McClain	Stolzenburg
Chiles	Gong	Mathews	Stone
Clayton	Griffin	Ott	Thomas
Cross	Gunter	Plante	Weber
Deeb	Haverfield	Poston	Weissenborn
de la Parte	Henderson	Reuter	Wilson
Edwards	Hollahan	Sayler	Young

Nays—2

Mr. President Barrow

The bill was certified to the House immediately, by waiver of the rules.

Consideration of HB 332 was deferred, the bill retaining its place on the Calendar.

HB 293—A bill to be entitled An act relating to unlawful use of limited access facilities; repealing subsection (1)(h) of section 339.30, Florida Statutes; providing an effective date.

Was taken up. On motions by Senator Stockton, the rules were waived and HB 293 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—46 Nays—None

Mr. President	Edwards	Horne	Slade
Askew	Elrod	Johnson	Spencer
Bafalis	Fincher	Knopke	Stockton
Barron	Fisher	Lane	Stolzenburg
Barrow	Friday	McClain	Stone
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	
de la Parte	Hollahan	Shevin	

The bill was certified to the House immediately, by waiver of the rules.

Consideration of HB 125 was deferred, the bill retaining its place on the Calendar.

MEMORIALS ON SECOND READING

SM 73—A memorial to the Congress of the United States to provide for amending the United States tax laws so as to rebate and pay to each of the states an amount equal to one half (½) of the federal taxes collected on alcoholic beverages and tobacco sold within such state.

WHEREAS, the president of the United States and the congressional leaders of both major political parties have referred approvingly to "tax sharing" and to "creative federalism" under which concepts the taxpayers of each state who also are taxpayers to the federal government regain some of the federal tax revenue at the state level without any interference on the part of federal agencies in the expenditure of these funds, and

WHEREAS, as one of the fastest growing states in the nation, the needs of Florida for funds for education, for fighting crime and for other urgent requirements of vibrant communities are pressing in on the sources of state and local taxation to the limits of the abilities of the citizens to pay, and recognizing that such needs are of far greater importance to this country than are those of the recipients of foreign aid in similar amounts, and

WHEREAS, the program recommended herein has its parallel in the remission to the states of a portion of the federal estate tax which benefits Florida to the extent of at least ten million dollars (\$10,000,000.00) per year with no objectionable conditions attached thereto, and

WHEREAS, the collection of the federal excise taxes on alcoholic beverages and on tobacco is accomplished at the source of production or immediately thereafter, and in amounts which, if divided one half (½) to each state in proportion to the sales therein would meet the unsatisfied needs of

each state which have resulted from the ebb and flow of population stimulated by national mobility of citizens, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is hereby requested to amend Title 26 of the United States Code so as to provide that one half (½) of total excise tax collections levied thereunder by the federal government on alcoholic beverages and tobacco shall be remitted and paid to the general fund of each of the several states pro rata as to the amounts of sales of such commodities sold in each state without federal conditions imposed on the expenditure of such funds by the states.

Was taken up and read the second time in full. On motion by Senator Stone, SM 73 was adopted.

The vote was:

Yeas—44

Mr. President	de la Parte	Henderson	Reuter
Askew	Edwards	Hollahan	Sayler
Bafalis	Elrod	Horne	Shevin
Barron	Fincher	Johnson	Slade
Barrow	Fisher	Knopke	Stolzenburg
Boyd	Friday	Lane	Stone
Broxson	Gibson	McClain	Thomas
Chiles	Gong	Mathews	Weber
Clayton	Griffin	Ott	Weissenborn
Cross	Gunter	Plante	Wilson
Deeb	Haverfield	Poston	Young

Nays—2

Spencer Stockton

The memorial was certified to the House immediately, by waiver of the rules.

SENATE BILLS ON SECOND READING

Consideration of SB 124 was deferred, the bill retaining its place on the Calendar.

SB 214—A bill to be entitled An act relating to hospital licensure amending chapter 395 restricting the use of the term "hospital" unless facility is licensed under provisions of chapter 395 F.S.

Was taken up. On motion by Senator Cross, the rules were waived and SB 214 was read the second time by title.

By permission, Senator Cross, as Chairman, withdrew the amendment offered by the Committee on Health and Welfare.

Senator Cross offered the following amendment which was adopted:

In Section 1, line 9, page 1, following the period (.) add the following: Nothing in this chapter shall apply to veterinary hospitals or to commercial business establishments using the word hospital as a part of a trade name; providing that no treatment of human beings is done or performed on the premises of such establishments.

On motions by Senator Cross, by two-thirds vote, HB 249 was withdrawn from the Committees on Health and Welfare and Judiciary "B" and placed on the Calendar.

On motion by Senator Cross, HB 249, a companion measure, was substituted for SB 214 as amended.

Unanimous consent was granted Senator Cross to take up out of order—

HB 249—A bill to be entitled An act relating to hospital licensure amending chapter 395 restricting the use of the term "hospital" unless facility is licensed under provisions of chapter 395 F.S.

On motions by Senator Cross, the rules were waived and HB 249 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—46 Nays—None

Mr. President	Boyd	Deeb	Fisher
Askew	Broxson	de la Parte	Friday
Bafalis	Chiles	Edwards	Gibson
Barron	Clayton	Elrod	Gong
Barrow	Cross	Fincher	Griffin

Gunter	Lane	Saylor	Thomas
Haverfield	McClain	Shevin	Weber
Henderson	Mathews	Slade	Weissenborn
Hollahan	Ott	Spencer	Wilson
Horne	Plante	Stockton	Young
Johnson	Poston	Stolzenburg	
Knopke	Reuter	Stone	

The bill was certified to the House.

SB 214 was laid on the table.

SB 43—A bill to be entitled An act relating to elections; amending subsection (1) of section 99.021, Florida Statutes, relating to candidates oath; providing for the repeal of the requirement that a candidate swear under oath that he was not a registered member of any other political party during the two (2) years immediately preceding the date of execution of his oath or affirmation; providing that candidate shall swear under oath that he was not a registered member of any other political party during the six (6) months immediately preceding the date of execution of this oath or affirmation; providing for an effective date.

Was taken up. On motion by Senator Stockton, the rules were waived and SB 43 was read the second time by title.

The Committee on Judiciary "B" offered the following amendment which was adopted on motion by Senator Stockton:

In Section 2, lines 1 and 2, page 4, strike: "immediately upon becoming a law." and insert the following: September 1, 1967.

Senator Thomas offered the following amendment:

In Sections 1, line 11, page 1, following the words: "said election, and that he" Strike: "was not a registered member of any other political party during the six (6) months immediately preceding" and insert the following: is not a registered member of any other political party on

On motion by Senator Stockton, the rules were waived and further consideration of SB 43 as amended, with pending amendment, was deferred, the bill retaining its place on the Calendar.

Senator Mathews moved that the rules be waived and the Senate receive in open session a report of the Select Committee appointed pursuant to Senate Rule 15.2 to inquire into the recommendations of the Governor concerning the removal from office of J. Kenneth Gross, Sheriff of Manatee County, Florida, and that the time of adjournment be extended until completion of such report. Which was agreed to.

REPORT OF SELECT COMMITTEE

Senator Elmer O. Friday, Chairman, read the following Report of the Select Committee appointed by the President on April 17, 1967:

*Honorable Verle A. Pope
President
Florida Senate
Tallahassee, Florida*

April 28, 1967

Sir:

Your Select Committee of Senators Elmer O. Friday, Jr., Chairman, C. W. Young, Warren S. Henderson and Wilbur H. Boyd, appointed to inquire into the message from the Honorable Claude R. Kirk, Jr., Governor of Florida, recommending the permanent removal from office J. Kenneth Gross, Sheriff of Manatee County, State of Florida, reports that, pursuant to this directive, the committee has:

- (a) advised the sheriff of the receipt of the message from the Governor and inquired if he desired a hearing before the committee, and
- (b) if such a hearing was desired, whether same should be public or private.
- (c) Sheriff Gross requested a public hearing, which was granted on Wednesday, April 26, 1967, from 1 o'clock P.M. until approximately 9 o'clock P.M. without interruption

Pursuant to the mandate to this committee it is the committee's recommendation that the said message, and subsequent

consideration thereof, be considered by the Florida Senate in open session, and forthwith

Respectfully submitted,
ELMER O. FRIDAY, JR.
Chairman of Select Committee

*Honorable Verle A. Pope
President
Florida Senate
Tallahassee, Florida*

April 28, 1967

Sir:

The Select Committee appointed to inquire into the matter of the message from the Honorable Claude R. Kirk, Jr., Governor of Florida, which message recommended the permanent removal of Mr. J. Kenneth Gross from the office of Sheriff of Manatee County, Florida, begs to report as follows:

1. The said message, after alleging a series of factual findings, charged Sheriff J. Kenneth Gross with the following:

- A. Misconduct in office
- B. Malfeasance
- C. Misfeasance
- D. Neglect of duties
- E. Incompetency

2. With respect to the allegations of fact, it might be noted that the same were, in the first instance, a series of facts reported by a Grand Jury of Manatee County, Florida, which, after apparent inquiry in behalf of the office of governor, were adopted by the Governor.

3. Pursuant to its inquiry, the Committee feels compelled to comment on certain of the factual findings as follows:

- A. On Page 2 of the message, paragraph 6 thereof, it was stated, "the Sheriff's Department failed to fingerprint certain felons and followed no clear policy in determining which misdemeanants were fingerprinted."

While the underlined portion would appear to be true, and that some such policy would be of aid and assistance to the Department's duties, it should be noted that the Statutes of the State of Florida, in so far as known to the Committee, provide, as follows: "The sheriffs of the State may fingerprint all persons charged with or convicted of any criminal offense when in their opinion it is necessary for the protection of the public." The Statute goes on to specifically require the fingerprinting of accused felons, but would appear to leave policy as to misdemeanors strictly within the discretion of the sheriff.

- B. On Page 3, subsection 8, involving a baby found dead in an automobile, testimony before the Committee developed that the Manatee County Medical Examiner was present at the scene at the same time as the investigating officer, and that subsequent thereto an autopsy was held.
- C. On Page 3, subsection 11, it was stated "it is apparent that many of the amounts represented (in the sheriff's department's investigative fund) to have paid out in these sketchy records have been altered to make the totals coincide with the sums withdrawn from the operational account for supposed investigations." In the inquiry of the Committee, considering all the circumstances involved in other aspects of this proceeding, your Committee did not attempt to develop additional factual information pertaining to this item, since same would not have caused any significant change in the result of this Committee's report.

- D. With further regard to subsection 11, pertaining to an airplane purchased by the sheriff's posse for the Manatee County Sheriff's Department, which plane was later traded in on a newer plane, the factual allegations were "title to this replacement airplane was put into Kenneth Gross's individual name . . ." Testimony before the Committee, and records of title to the aircraft itself, indicate this to be completely without basis in fact. The Committee feels impelled to

point out the gross inaccuracy of this finding of an alleged fact by the Grand Jury, the investigators and others associated with same, the testimony before the Committee being to the effect that the papers pertinent to the title of the aircraft were never actually in the name of the sheriff but upon inquiry it had appeared to the investigator that it might have been Sheriff Gross's intent to have taken same in his own name!

Inasmuch as elective constitutional officers, and others, brought before the Florida Senate for the purposes of suspension or removal, are generally based upon the reports of Grand Juries, we feel it important to stress to this Body the power of public opinion inherent in such reports, and the occasional obviously irresponsible findings in such reports.

E. On Page 3, subsection 12, there is an allegation of fact pertaining to credit cards having been issued in such numbers that the investigator said "cannot understand how any sort of accounting of their use can be made. We find one deputy charging his purchases to the name of other deputies". Actual inquiry disclosed that no apparent problem exists as to control of these cards, and the testimony before this Committee by one of the investigative agents who was involved only one such instance wherein one deputy signed the name of another deputy to a credit card purchase, and apparently found that there was no illicit or unethical intent involved in that particular purchase, it having been a matter of convenience more than anything else.

F. The Committee does find, with regrets, however, that the numerous other allegations of fact set out in the Governor's message constitute more than sufficient evidence in support of his recommendation of and request for removal of Sheriff Gross.

a. Sheriff Gross's own testimony confirmed that he was generally uninformed concerning the functioning and problems of his sheriff's department, apparently reluctant to face up to the same and content to continue passing the responsibility for same to those same subordinates who had proven unable to cope with them under the circumstances then existing within the department, and the poor quality of investigative procedures generally.

b. Sheriff Gross's own testimony further confirmed violation of several of the laws of Florida in the performance of his duties, including

1. Chapter 30.09, relating to the appointment and qualification of deputy sheriffs, and of bond for same
2. The taking and distribution of fingerprints of accused and convicted felons.

We are not unmindful that J. Kenneth Gross was more than once elected to the office of sheriff by the voters of Manatee County, nor are we unmindful that the constitution of the State of Florida wisely provides the mechanics for relief of the citizens when that judgment of election day is subsequently proven to be adverse to the public interest of the County and of the State of Florida. Under such circumstances as have been demonstrated in this instant case, protection and preservation of life and property must be of paramount consideration.

It is, therefore, the recommendation of this Select Committee of the Florida Senate that the recommendation of the Honorable Claude R. Kirk, Jr. as Governor of the State of Florida be adopted and that J. Kenneth Gross be removed from the office of Sheriff of Manatee County, State of Florida.

ELMER O. FRIDAY, JR.
WARREN HENDERSON
WILBUR BOYD
C. W. YOUNG

Senator Friday moved the adoption of the report, and that pursuant thereto the recommendation of the Governor be adopted and J. Kenneth Gross be removed from office as Sheriff of Manatee County, State of Florida. The vote was: Yeas—45 Nays—None

Mr. President	Edwards	Johnson	Spencer
Askew	Elrod	Knopke	Stockton
Bafalis	Fincher	Lane	Stolzenburg
Barron	Fisher	McClain	Stone
Barrow	Friday	Mathews	Thomas
Boyd	Gibson	Ott	Weber
Broxson	Gong	Plante	Weissenborn
Chiles	Griffin	Poston	Wilson
Clayton	Gunter	Reuter	Young
Cross	Henderson	Sayler	
Deeb	Hollahan	Shevin	
de la Parte	Horne	Slade	

CO-INTRODUCERS

By permission, Senator Hollahan was recorded as a co-introducer of Senate Bills 624 and 227.

By permission, Senator Thomas was recorded as a co-introducer of SB 343.

By permission, Senators Barron, Thomas, Stolzenburg, Knopke, Spencer, Edwards, Sayler and Griffin were recorded as co-introducers of SB 21.

By permission, Senator Shevin was recorded as a co-introducer of SB 656.

By permission, Senator Gunter was recorded as a co-introducer of Senate Bills 592 and 190.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:22 p.m. to reconvene at 11:00 a.m., May 1, 1967.